THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.1131 OF 1998

DATED: 22-02-2007

Between :

Smt. D. Alivelu Manga Tayaru .. Petitioner

And

1. The Collector, East Godavari District., Kakinada and another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.1131 OF 1998

ORDER :

The petitioner claims to be the owner of the premises bearing No.5-2-132 situated at Pithapuram, East Godavari District. Pursuant to the request made by the petitioner for re-construction of the building, the 2nd respondent accorded sanction vide proceedings dated 28-10-1997 subject to certain conditions. The petitioner claims that she has completed the construction strictly in accordance with the conditions imposed by the 2nd respondent. While so, the impugned notice dated 31-12-1997 was issued by the 2nd respondent proposing to cancel the sanction alleging that the petitioner had been making the constructions contrary to the sanctioned plan.

While directing Rule Nisi, by order dated 20-1-1998 this Court granted interim suspension of the impugned notice dated 31-12-1997. However, no counter-affidavit is filed on behalf of the respondents so far.

I have heard the learned Counsel for the petitioner and perused the material on record.

Having regard to the specific plea of the petitioner that the construction was already completed in accordance with the sanctioned plan which remained unrebutted in the absence of any counter-affidavit, I deem it appropriate to dispose of the writ petition with a direction to the respondents to issue a fresh notice pointing out the deviations if any and thereafter appropriate steps be taken in

accordance with law after considering the explanation of the petitioner.

Accordingly, the impugned order is set aside and the Writ Petition is disposed of. No costs.

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G. ROHINI, J.

Dt. 22-2-2007
gbs